

ASSEMBLY BILL

No. 828

Introduced by Assembly Member Cohn

February 18, 2005

An act to amend Section 66025.3 of the Education Code, relating to public postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 828, as introduced, Cohn. Public postsecondary education: tuition and fee waiver for military veterans.

Existing law prohibits any state-owned college, university, community college, or other school from charging any tuition or fees to certain resident dependents or survivors of veterans, including any child of any veteran of the United States military who has a service-connected disability, has been killed in service, or has died of service-connected disability, where the annual income of the child, including the value of any support received from a parent, does not exceed the national poverty level, or from charging any undergraduate student who is a recipient of a Congressional Medal of Honor, or any undergraduate student who is a child of a recipient of a Congressional Medal of Honor and who is no more than 27 years old.

This bill would further provide that any person who is honorably serving in, or has been honorably discharged from, the armed forces of the United States, would not be subject to tuition or fees at any campus of the University of California, the California State University, or the California Community Colleges if he or she is a California resident, as defined. These provisions would only apply to the University of California to the extent the regents make them applicable by resolution.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 66025.3 of the Education Code is
2 amended to read:
3 66025.3. (a) No campus of the University of California, the
4 California State University, or the California Community
5 Colleges shall charge any mandatory systemwide tuition or fees,
6 including enrollment fees, registration fees, differential fees, or
7 incidental fees, to any of the following:
8 (1) Any dependent eligible to receive assistance under Article
9 2 (commencing with Section 890) of Chapter 4 of Division 4 of
10 the Military and Veterans Code.
11 (2) (A) Any child of any veteran of the United States military
12 who has a service-connected disability, has been killed in service,
13 or has died of a service-connected disability, where the annual
14 income of the child, including the value of any support received
15 from a parent, does not exceed the national poverty level as
16 defined in subdivision (c).
17 (B) ~~Notwithstanding Section 893 of the Military and Veterans~~
18 ~~Code, the~~ The Department of Veterans Affairs may determine the
19 eligibility for fee waivers for a child described in subparagraph
20 (A).
21 (3) Any dependent, or surviving spouse who has not
22 remarried, of any member of the California National Guard who,
23 in the line of duty, and while in the active service of the state,
24 was killed, died of a disability resulting from an event that
25 occurred while in the active service of the state, or is
26 permanently disabled as a result of an event that occurred while
27 in the active service of the state. For the purposes of this
28 paragraph, “active service of the state” refers to a member of the
29 California National Guard activated pursuant to Section 146 of
30 the Military and Veterans Code.
31 (4) (A) Any undergraduate student who is a recipient of a
32 Medal of Honor, commonly known as a Congressional Medal of
33 Honor, or any undergraduate student who is a child of a recipient
34 of a Medal of Honor and who is no more than 27 years old, if
35 both of the following requirements are met:

1 (i) His or her annual income, including the value of any
2 support received from a parent, does not exceed the national
3 poverty level as defined in subdivision (c).

4 (ii) The recipient of the Medal of Honor who is or was the
5 parent of the undergraduate student is, or at the time of his or her
6 death was, a California resident as determined pursuant to
7 Chapter 1 (commencing with Section 68000) of Part 41.

8 (B) The Department of Veterans Affairs shall determine the
9 eligibility of any applicant for a fee waiver under this paragraph.

10 *(5) Any person who is honorably serving in, or has been*
11 *honorably discharged from, the armed services of the United*
12 *States. The Military Department shall determine whether an*
13 *individual meets the requirements of this paragraph.*

14 (b) A person who is eligible for a waiver of tuition or fees
15 under this section may receive a waiver for each academic year
16 during which he or she applies for that waiver, but an eligible
17 person may not receive a waiver of tuition or fees for a prior
18 academic year.

19 (c) As used in this section, the “national poverty level” is the
20 poverty threshold for one person, as most recently calculated by
21 the Bureau of the Census of the United States Department of
22 Commerce.

23 (d) The waiver of tuition or fees under this section shall apply
24 only to a person who is determined to be a resident of California
25 pursuant to Chapter 1 (commencing with Section 68000) of Part
26 41.

27 (e) This section shall not apply to a dependent of a veteran
28 within the meaning of paragraph (4) of subdivision (a) of Section
29 890 of the Military and Veterans Code.

30 (f) No provision of this section shall apply to the University of
31 California except to the extent that the Regents of the University
32 of California, by appropriate resolution, make that provision
33 applicable.